



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/543,064	07/21/2005	Massimiliano Pineschi	PTB-4884-4	3920
23117 7590 03/06/2009 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
TURNER, SONJI LUCAS				
ART UNIT		PAPER NUMBER		
1797				
MAIL DATE		DELIVERY MODE		
03/06/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/543,064

Applicant(s)

PINESCHI, MASSIMILIANO

Examiner

SONJI TURNER

Art Unit

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-28, 30-35, 37, 39 and 40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 35, 37, 39 and 40 is/are allowed.
- 6) ☒ Claim(s) 21-24 and 28 is/are rejected.
- 7) ☒ Claim(s) 25-27 and 30-34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/26/2008.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Claim Status

Claims 1-20, 29, 36, and 38 have been canceled. Claims 21-28, 30-35, 37, 39, and 40 are currently pending.

Claim Rejections - 35 USC § 102

Claims 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by White '836 (US Patent 2,283,836).

Regarding claims 21 and 22, White '836 teaches vacuum cleaner with a collection chamber located along an intended path through which air current and detritus is conveyed. The collection chamber has a collection zone for the detritus, a compacting device movable across the collection zone, a barrier positioned transversally of a flow direction of the air current and detritus, and said collection chamber including a boxed tank slidably, received in a seat of the collection chamber (figs. 1, 2, 5; col. 1, lines 15-40).

Claims 23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by White '836. White '836 teaches a filter arrangement that is releasable and attached to an enclosure arrangement (figs. 1, 2, 5; col. 5, lines 27-31).

Claim Rejections - 35 USC § 103

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over White '836 as applied to claim 21 and further in view of Katsumi '030 (JP 04-370030).

The teachings of White '836 are set forth above. White '836 does not teach a pusher unit to compact the detritus in a boxed tank. Katsumi '030 does teach a pusher B in a boxed tank 10 (see figure). It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use the pusher and box arrangement of Katsumi '030 with the vacuum

cleaner of White '836 for the purpose of releasing the compressed and collected detritus. One skilled in the art would have been motivated to generate the claimed invention with a reasonable expectation of success.

Allowable Subject Matter

Claims 25-27 and 30-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 35, Sjoberg '928 teaches vacuum cleaner with a collection chamber located along an intended path through which air current with a filter chamber arrangement and detritus is conveyed and the collection chamber provided with a barrier positioned transversally of a flow direction of the air current and detritus. However, Sjoberg '928 does not teach or fairly suggest said filter chamber arrangement in communication with said collection chamber through an opening arrangement of said barrier. Additionally, it would not have been obvious to someone of ordinary skill in the art at the time of the present invention to provide such opening arrangement because none of the prior art references of record suggest such modification. Accordingly, claims 35, 37, 39, and 40 are also allowable.

Response to Arguments

Applicant's arguments with respect to claims 21-24 and 28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonji Turner whose telephone number is 571-272-1203. The examiner can normally be reached on Monday - Friday, 10:00 am – 2:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

st
3/3/2009

/DUANE SMITH/

Supervisory Patent Examiner, Art Unit 1797